

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

DANIEL TAYLOR,	)	
Plaintiff,	)	Civil Action No. 7:17-cv-00099
	)	
v.	)	
	)	By: Elizabeth K. Dillon
LESLIE FLEMING, <i>et al.</i> ,	)	United States District Judge
Defendants.	)	

**MEMORANDUM OPINION**

Plaintiff Daniel Taylor, a Virginia inmate proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. The defendants filed a motion to dismiss, and the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005), on March 27, 2019. *See* Dkt. Nos. 45 and 47. The notice gave Taylor twenty-one days to file a response to the motion and advised him that, if he did not respond, the court would “assume that Plaintiff has lost interest in the case, and/or that Plaintiff agrees with what the Defendant[s] state[] in their responsive pleading(s).” *See* Dkt. No. 47. The notice further advised Taylor that, if he wished to continue with the case, it was “necessary that Plaintiff respond in an appropriate fashion,” and that if he failed to file some response within the time allotted, the court “may dismiss the case for failure to prosecute.” *Id.* Taylor did not respond. Therefore, Taylor’s complaint will be dismissed without prejudice for failure to prosecute.

An appropriate order will be entered.

ENTER: This 25<sup>th</sup> day of April, 2019.

*/s/ Elizabeth K. Dillon*  
United States District Judge